

REMARKS

In Item 5 of the Office Action mailed on July 27, 2006, claims 1, 4, 6-9, 11, 12, 15, 18-20, 22-24, 26-28, 30, 32, 35, 37, 38, 40, 42, 44, 46, 48-50, 52-55, 57, 59, 61, 63, 65, 68, 70, 71, 73, 75 and 77-80 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ling et al (International Application WO 98/39871) in view of any/all of Ungerboeck ("Channel Coding with Multilevel/phase Signals"), Lee (*Convolutional Coding: Fundamentals and Applications*), and Schlegl (*Trellis Decoding*), and further in view of Uyematsu et al. ("Trellis Coded Modulation for Multilevel Photon Communication Systems") and Winters et al. ("Reducing the Effects of Transmission Impairments in Digital Fiber Optic Systems"). Although Applicant does not necessarily agree with this rejection, claim 1 is amended herewith to indicate that the equalizing comprises precoding the digital multilevel symbols using a Tomlinson Harashima precoder comprising a modulo block operable to perform a wrap-around operation on the digital multilevel symbols. Applicant submits that claim 1 as amended is not taught or suggested by the cited art. Therefore, Applicant submits that claim 1, and claims 5-9 depending therefrom, are not obvious in view of Ling, Ungerboeck/Lee/Schlegl, Uyematsu and Winters.

Independent claims 11, 28, 32, 38, 42, 57, 61, 65 and 71 are also amended herewith to contain limitations similar to limitations included in claim 1. Applicant submits that claims 11, 28, 32, 38, 42, 57, 61, 65 and 71, and all claims depending therefrom, are not obvious in view of Ling, Ungerboeck/Lee/Schlegl, Uyematsu and Winters, for the reasons set forth above with respect to claim 1.

Independent claims 24, 46, 50 and 75 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Ling in view of any/all of Ungerboeck, Lee and Schlegl, and further in view of Uyematsu and Winters. Although Applicant does not necessarily agree with these rejections, claims 24, 46, 50 and 75 and their associated dependent claims are cancelled herewith to expedite the allowance of the application. 4, 15, 24, 26, 27, 30, 35, 40, 44, 46, 48-50, 52-55, 59, 63, 68, 73, 75 and 77-80

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of claims 1, 5-9, 11, 12, 16, 18-20, 22, 23, 28, 31, 32, 36-38, 41, 42, 45, 57, 60, 61, 64, 65, 69-71 and 74.

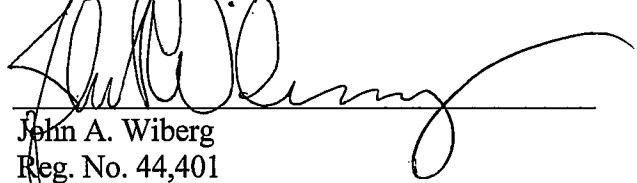
Serial No. 09/765,014

Reply to Office action of July 27, 2006

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: November 10, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Wiberg', is written over a horizontal line.

John A. Wiberg
Reg. No. 44,401
Attorney for applicant

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Telephone: (312) 775-8000